

Remarks

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

Claims 34, 36 and 37 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sogabe (US 6,611,534) in view of Bell (US 6,832,319).

Claims 34, 36 and 37 have been amended so as to further distinguish the present invention from the references relied upon in the rejection. As a result, the above-mentioned rejection is submitted to no longer be applicable to the claims for the following reasons.

Claim 34 is patentable over the combination of Sogabe and Bell, since claim 34 recites an information recording medium for recording scrambled data from a recording device including scrambled key information, the information recording medium including, in part, non-scrambled data including copy control information that is not scrambled, from content data which is acquired from an entity other than the information recording medium; and the scrambled data obtained by scrambling the contents data using the scrambled key information, wherein the scrambled key information is generated in the recording device from at least cipher key information that is read from the information recording medium and unscrambled by the recording device, and the copy control information. The combination of Sogabe and Bell fails to disclose or suggest the generation of the scrambled key information from at least the cipher key information and the copy control information, as recited in claim 34.

Sogabe discloses a system for storing contents on a recording medium as enciphered data. In the system, a set-top-box (STB) 12 and a DVD-RAM device (DRD) 116 authenticate each other. The DRD 116 then deciphers an enciphered control key (eKcontrol) sent from the STB 12 to generate a control key (Kcontrol). The STB 12 next sends an enciphered contents key (eKcontent) to the DRD 116 together with enciphered digital contents. The enciphered digital contents contain copy control data (CGMS). The DRD 116 generates a contents key (Kcontent) from the eKcontent using the control key (Kcontrol) and the copy control data (CGMS) which are both received from the STB 12. The contents key (Kcontent) is capable of deciphering the enciphered digital contents. The DRD 116 then records the enciphered digital contents directly on the recording medium and records the corresponding contents key (Kcontent) and the copy control data (CGMS) in a gap area of the recording medium. (See column 8, lines 10 and 11 and column 9, lines 27-54).

Based on the above discussion of Sogabe, the DRD 116 receives both the control key (Kcontrol) and the contents key (Kcontent) from the STB 12 in enciphered form. The DRD 116 is able to decipher the control key (Kcontrol) and then use the control key (Kcontrol) to decipher the contents key (Kcontent). The contents key, which is capable of deciphering the enciphered digital contents, is then recorded on the recording medium with the enciphered digital contents. In comparing the disclosure of Sogabe with the invention as recited in claim 34, it is apparent that the two are quite different.

Since the control key (Kcontrol) is used to decipher the contents key (Kcontent) in Sogabe, the control key (Kcontrol) can be said to correspond to the claimed cipher key information, which is used to generate the scrambled key information. Further, since the contents key (Kcontent) in Sogabe is used to decipher the scrambled data, the contents key (Kcontent) can be said to correspond to the claimed scrambled key information, which is used to obtain the scrambled contents data. However, claim 34 recites that the scrambled key information is generated in the recording device from at least the cipher key information that is read from the information recording medium and the copy control information that is not scrambled, from content data which is acquired from an entity other than the information recording medium. In other words, the cipher key information and the copy control information are acquired from different sources. On the other hand, as mentioned above, Sogabe explicitly discloses that the control key (Kcontrol) and the copy control data (CGMS), which are used to generate the contents key (Kcontent), are both received from the STB 12 (i.e., the same source). Therefore, in order for Sogabe to disclose or suggest this feature, the DRD 116 would have to receive the control key (Kcontrol) and the copy control data (CGMS) from different sources. As a result, it is necessary for Bell to disclose or suggest this feature in order for the combination of Sogabe and Bell to render claim 34 obvious.

Regarding Bell, it discloses a disk 32 that has a media identification 34 and a media key block 36 written thereon during the manufacturing of the disk 32. When data is to be copied to the disk 32, a recorder 20 reads the media key block 36 and the media identification 34 from the disk 32. Then, the recorder 20 determines an appropriate media key from the media key block 36 and combines the media key with the media identification 34 to generate a content key which is used to encrypt the data for storage on the disk 32. (See column 6, line 15 – column 7, line 5 and Figures 3-5).

Based on the above discussion, it is apparent that the content key of Bell corresponds to the claimed scrambled key information. However, the media key block 36 and the media identification 34, which are used to generate the content key, are both stored on the disk 32. In other words, the media key block 36 and the media identification 34 are acquired from the same source as is the case in Sogabe. Therefore, it is apparent that Bell fails to address the above-mentioned deficiency of Sogabe.

In consideration of the above discussion, Sogabe and Bell do not, either alone or in combination, disclose or suggest the generation of the scrambled key information from at least the cipher key information and the copy control information as recited in claim 34. Therefore, one of ordinary skill in the art would not have been motivated to modify or combine the references so as to obtain the invention as recited in amended claim 34. Accordingly, it is respectfully submitted that amended claim 34 is clearly patentable over the prior art of record.

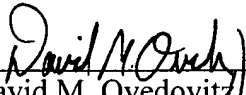
As for claims 36 and 37, they are patentable over the references for reasons similar to those set forth above in support of claim 34. That is, claims 36 and 37 recite, in part, generating descrambled key information using at least cipher key information from an information recording medium and copy control information from content data which is acquired from an entity other than the information recording medium, which feature is not disclosed or suggested by the references.

Because of the above-mentioned distinctions, it is believed clear that claims 34, 36 and 37 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 34, 36 and 37. Therefore, it is submitted that claims 34, 36 and 37 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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